REMARKS

Reconsideration and allowance of the present application in view of the Remarks herein and the foregoing amendments, are respectfully requested.

Upon entry of the above amendments, claims 1-23 and 25, 30-45, 47-48 and 50-55 will be pending in this application.

New claims 50-55 correspond to allowable claims 26, 27, 29, 46 and 49, with claim 50 being presented in independent form and claims 51-55 depending from claim 50. Claims 52 and 53 each correspond to an alternative embodiment of former claim 27.

Accordingly, claims 50-55 should now be allowed.

It is respectfully submitted, however, that each of the remaining claims is also in condition for allowance and reconsideration of the rejection of claims 1-23, 25, 30-45, 47 and 48, as unpatentable over Thomaides et al ('840) in view of Markusch et al ('852) is respectfully requested.

Turning to '840, this patent is directed to hair fixative compositions which comprise water-soluble or dispersible polyurethanes. These polyurethanes are intended to form hair holding films when applied to hair. The emphasis in the working examples of this reference is that the films should be stiff, in order to achieve good curl retention even at high humidity. Consequently the intended application would not find flexible films, such as required for packaging, to be a useful modification or variation.

Turning specifically to the examples of the '840, polyurethanes A, B, C, D, E, G and H all employ a polyethylene glycol of molecular weight 8000. Polyurethane F employs a polyethylene glycol of molecular weight 3000. However, this polyurethane is not a chain-extended product.

The purpose of '840, to provide stiff hair fixative compositions - would teach away from any modification of the composition which would result in an flexible film. There is no disclosure or implication in '840 to select a combination of features to provide flexible films. Since '840 is clearly not trying to achieve packaging films or flexible films, the skilled person would not have been motivated to modify the disclosure to incorporate the features of the present invention. These deficiencies are not supplied or obvious in view of '852.

The Examiner's position is that it would be obvious to apply the teaching of '852 to that of '840 in order to arrive at the presently claimed invention, the reasoning being that '852

teaches that EO groups contribute to hydrophilic and water-dispersible characteristics and to use a prepolymer/chain-extension process which is lacking in '840.

Applicants respectfully disagree and submit that the practitioner of ordinary skill in the art would not have been motivated to turn to the '852 disclosure if the goal was to modify the disclosure of the '840 patent.

In the rejection, the Examiner postulates that one of ordinary skill in the art would be seeking a more water-soluble polyurethane. Applicants do not agree that there is basis for this assertion.

First, it is apparently agreed that the films of the '840 patent are intended only for use as hair fixatives and, as such, are necessarily and specifically intended to provide stiffness to hair treated therewith (see, e.g., column 2, lines 32-35). In addition, it is apparently agreed that the hair fixative films, which have good humidity resistance and are removable by water or water/shampoo washing, would not require or benefit from enhanced water solubility (see, e.g., column 6, lines 49-52: "it might be expected that solubility would adversely affect humidity resistance, which is a key performance requirement").

Therefore, it is respectfully submitted that the practitioner would not be motivated to modify the hair fixative compositions of the '840 patent to enhance water solubility.

Furthermore, the disclosure of the '852 patent does not intend to provide films which are soluble in water at temperatures in the range between 5 and 35 °C.

Accordingly, if one skilled in the art were looking to modify the film-forming polymers disclosed in the '840 patent in order to increase the cold water solubility (although it is not agreed that the practitioner would find motivation to modify the compositions of the '840 patent for this reason), the practitioner would not turn to the disclosure of the '852 patent, to find an appropriate modification.

Moreover, neither the general disclosure nor the examples of the '852 patent suggest the effect of the ethylene oxide groups on the properties of the polyurethane-ureas of this disclosure. In none of the examples is the amount of ethylene oxide groups or the source of the ethylene oxide groups varied to determine the effect of such variation. Therefore, it is not believed that the practitioner looking at the disclosure of the '852 patent would find any useful information to assist in determining the effect of varying the ethylene oxide content or

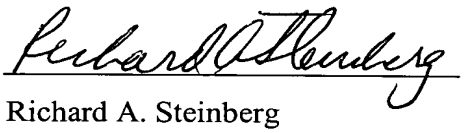
molecular weight on the properties of the polyurethane polymers used in the hair-fixative compositions of the '840 patent.

Accordingly, it is respectfully submitted that the disclosures of the '840 and '852 patents could not be combined to make the subject matters set forth in the rejected claims *prima facie* obvious.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he or she is kindly requested to contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
PILLSBURY WINTHROP LLP

By: 

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